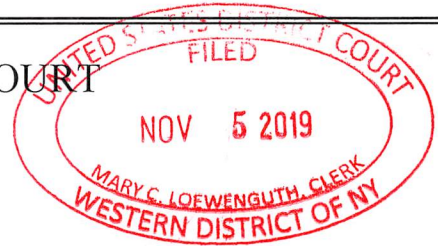


## UNITED STATES DISTRICT COURT

for the  
Western District of New York



In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

Property collected from Michael Matzen's former room at  
175 Ward Street, Rochester, NY, that is currently being  
held by the director and case manager at 175 Ward St.

Case No. 19-MJ- 4160

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Property collected subsequent to 8/30/19 from Michael Matzen's former room at the Residential Re-entry Center, 175 Ward Street, Rochester, NY, which was collected, secured and is held by the director/case manager at 175 Ward St.

located in the Western District of New York, there is now concealed (identify the person or describe the property to be seized):

1) Cellular Phones; 2) Notebooks, paper, or similar items; 3) Pens, markers or similar items; and 4) Items that identify the property as belonging to, or coming from, Michael Matzen.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. 2113(a)

Bank robbery

The application is based on these facts:

See the attached affidavit.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Seth Fleitman, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/5/19

Judge's signature

City and state: Rochester, New York

Hon. Marian W. Payson, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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IN RE: Search of Property collected from Michael  
Matzen's former room at 175 Ward Street, Rochester,  
NY, that is currently being held by the director and  
case manager at 175 Ward St.

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19-MJ- 4160

State of New York     )  
County of Monroe    ) ss:  
City of Rochester    )

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT**

**SETH FLEITMAN**, being duly sworn, deposes and says:

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been employed in that capacity for over 7 years. I am currently assigned to the FBI's Buffalo Division Rochester Resident Agency, Rochester Area Major Crimes Task Force. During the course of my employment with the FBI, I have received specialized training in, and have participated in, criminal investigations involving violations of bank fraud, wire fraud, mail fraud, bank robberies, Hobbs Act, violent crimes, identity theft, federal health care laws and other crimes. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. The facts contained in this affidavit come from my personal knowledge and observations, my training and experience, my review of documents, records, and videos, and information obtained from other agents, other law enforcement personnel and

witnesses. This affidavit is made in support of an application for a warrant to search and seize property belonging to MICHAEL MATZEN (hereinafter, referred to as "MATZEN") that is currently being stored at 175 Ward Street, Rochester, New York 14605 (hereafter, the "SUBJECT'S PROPERTY"). The SUBJECT'S PROPERTY is located in a residential re-entry house (sometimes referred to as a halfway house) that MATZEN was assigned to be living at, and was living at, until he escaped from custody as described below.

3. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth facts that I believe are necessary to establish probable cause that evidence of violations of Title 18, United States Code, Section 2113 are presently located within the SUBJECT'S PROPERTY at the residential re-entry house mentioned above. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance. The assertions made herein are based solely upon my personal knowledge or upon information I have received from other law enforcement agents who are involved in this investigation. Further, I have had discussions with officers involved in this investigation who have confirmed the accuracy of the information contained within this affidavit.

4. As set forth in more detail below, there is probable cause to believe that evidence of violations of Title 18, United States Code, Section 2113 (Bank Robbery) are located within the SUBJECT'S PROPERTY.

**FACTS ESTABLISHING PROBABLE CAUSE**

5. The Federal Bureau of Investigation (FBI), in conjunction with the Rochester Police Department, have been engaged in an ongoing criminal investigation into two bank robberies that occurred within the city of Rochester on or about September 3, 2019 and on about September 19, 2019, and appear to have been committed by the same individual.

**Canandaigua National Bank & Trust Bank Robbery – September 3, 2019**

6. On September 3, 2019 at approximately 4:40 p.m., an individual walked into the Canandaigua National Bank & Trust branch located at 210 Alexander Street, Rochester, New York. This individual was wearing black track pants with a white stripe on the side, a black hoodie with the hood up, and black and white puma sneakers. The individual was also wearing mismatched multi-colored gloves and some sort of cloth covering his lower face. The individual then entered the customer line and walked straight up to the bank teller counter, brushing aside a customer who was already at the teller station, and handed a note to the teller that demanded \$10,000. While the teller was retrieving the money, the individual took the note back. The teller believed the note said no dye packs, however the teller was unsure to the exact content of the note, since the note was lengthy, and the individual took the note back from the teller. The teller also described the note as being written on a piece of scrap paper, in red marker with very bad hand writing.

7. The bank employee complied with the individuals demands and handed him an unknown amount of cash. The individual left the bank and was last seen heading toward the intersection of Alexander Street and Monroe Avenue.

8. An Audit conducted by Canandaigua National Bank & Trust employees revealed that the individual who robbed the bank on September 3, 2019 obtained approximately \$2,000 from the bank's cash drawer.

9. At the time of the robbery on September 3, 2019, Canandaigua National Bank & Trust was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation.

10. Subsequent to the above mentioned bank robbery, law enforcement conducted a neighborhood canvass, searching for video surveillance systems in the area. Law Enforcement collected several videos from a nearby business, school, and residences that showed a person whose attire was consistent with that of the bank robbery suspect running away from the bank and the path he took.

11. After collecting and reviewing video surveillance from Canandaigua National Bank & Trust, James Monroe High School, and residences in the area, several still images of a suspicious male were captured. Those images were then put out to law enforcement and the media.

12. On or about September 16, 2019, Law Enforcement identified the person in the above mentioned images as MICHAEL MATZEN. Following the identification of MATZEN, it was learned that MATZEN had left a residential re-entry center located at 175

Ward Street, Rochester, New York on the evening of August 30, 2019, never returned, and law enforcement was attempting to locate him, since he was considered an escapee. The Bureau of Prisons (“BOP”) contracts with residential re-entry centers to provide assistance to federal inmates who are nearing their release date from federal custody. Inmates whom the BOP assigns to residential re-entry centers are still in custody of the BOP, and these inmates may only leave the facility for authorized reasons and activities. On August 30, 2019, MATZEN was a BOP inmate assigned to the residential re-entry center at 175 Ward Street, Rochester, New York, and was serving a sentence of 57 months that was previously imposed in the Northern District of New York on or about September 12, 2016. MATZEN was assigned to this residential re-entry center on or about July 26, 2019, and still had more time to serve subsequent to his escape on August 30, 2019.

13. Investigators spoke with the director of the residential re-entry center who stated that when MATZEN left the center, he also left behind several items in his room to include a cell phone, notebooks, and clothing. The director stated that he cleared out MATZEN’s room, collected the items from MATZEN’S room, and was going to hold onto those items. The items collected from MATZEN’s room are being held by the director and case manager at the Halfway House located at 175 Ward Street, Rochester, New York.

#### **Key Bank Robbery – September 19, 2019**

14. On September 19, 2019 at approximately 2:21 p.m., MATZEN walked into the Key Bank branch located at 1185 University Avenue, Rochester, New York. MATZEN was wearing black sweat pants, a black hoodie with the hoody top pulled up over his head, and



with a blue jacket on top. MATZEN was also wearing a ski mask over his face and was wearing surgical type gloves on his hands. MATZEN then entered the customer line and walked up to the bank teller counter, brushing aside a customer who was already at the teller window.

15. MATZEN attempted to hand a note over the teller window to a bank employee, saying “come on, come on.” MATZEN repeated this several times, but the teller largely ignored MATZEN and kept working on his computer. MATZEN stopped trying to get this employee’s attention and moved to a separate teller station. MATZEN handed the note over the teller window to a different bank employee. The note demanded money, and read “Give me all big bills 50-100’s, no GPS, or dye pack, top & bottom drawers & all will be ok for you all”. MATZEN told this employee to hurry up, and the employee asked MATZEN what he wanted. MATZEN told the employee to give him the big bills.

16. The employee opened her drawer, removed cash, and stacked it on the teller counter in front of her window. MATZEN ultimately grabbed the stack of money and turned to leave the bank.

17. MATZEN moved towards the front door of the bank, but before he could leave, he was tackled by two bank customers. The customers were able to get MATZEN on the ground where they held him down. While on the ground, MATZEN yelled “let me go now or my partner is going to come through that door.” The customers held MATZEN down

until police arrived, and upon their arrival, Rochester Police Department officers took MATZEN into custody.

18. The demand note that MATZEN handed to the teller was written on a piece of paper that was torn across the bottom. The note was also written in red, and appears to have been written with a marker.

19. An audit conducted by Key Bank employees revealed that MATZEN obtained approximately \$1,606 from the employee's cash drawer.

20. At the time of the robbery on September 19, 2019, Key Bank was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation.

21. As previously stated, MATZEN was previously convicted on September 13, 2016 in the United States District Court, Northern District of New York, of two counts of bank robbery in violation of Title 18, United States Code, Section 2113(a). MATZEN was sentenced principally to 57 months imprisonment, to be followed by 3 years of supervised release. However, MATZEN escaped from the custody of the Bureau of Prisons on or about August 30, 2019.



22. On September 23, 2019, the FBI's Rochester Area Major Crimes Task Force obtained a federal arrest warrant and subsequently arrested MATZEN for a violation of Title 18, United States Code, Section 2113(a) (Bank Robbery), regarding the September 19, 2019 Key Bank robbery.

23. Based on my training and experience from investigating violent crimes and more specifically bank robberies, the individuals who commit these crimes often take time in advance to plan out the locations and methods in which they are going to rob the banks. In advance of committing such a robbery, they often conduct internet searches, communicate with associates, and write out rough ideas for what they want to put in the robbery notes. I also know, based on my training and experience, that cellular phones often retain information from prior usages, including, but not limited to, text messages, call logs, and other communications data.

#### CONCLUSION

24. Based upon the above information, and based on my overall knowledge of this particular investigation which is in large part is the product of my experience and training in the investigation and detection of persons committing bank robberies, I submit there is probable cause to believe the items left behind by MATZEN within the SUBJECT'S

PROPERTY, contains evidence of violations of Title 18, United States Code, Section 2113  
(Bank Robbery).



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SETH FLEITMAN  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me

this 5 day of November, 2019.



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HON. MARIAN W. PAYSON  
United States Magistrate Judge